IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Michael C. Weaver et al.
Application No.	:	09/520,264
Filed	:	March 7, 2000
For	:	NETWORK-BASED SYSTEM AND METHOD FOR ACCESSING AND PROCESSING LEGAL DOCUMENTS

Examiner	:	Te Y. Chen
Art Unit	:	2161
Docket No.	:	110172.401 (APDS-1-2401)
Date	:	August 17, 2009

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO SECOND NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents:

This paper is in furtherance of the Notice of Appeal, filed in this case on November 24, 2008. Applicants timely filed an Appeal Brief on December 8, 2008 (hereinafter "Appeal Brief").

A Notification of Non-Compliant Appeal Brief, dated March 23, 2009, (hereinafter "First Notification") was issued by the Examiner requesting correction and inclusion of a mapping of the corresponding material, structure, or acts described in the specification that correspond to each claimed function of the claims that are recited in "means plus function" or "means plus step" form in accordance with 35 U.S.C. §112, para. 6, namely claims 81-84. A Response to the First Notification, dated April 21, 2009 was filed by Applicants addressing the Examiner's concerns as stated.

A Notification of Non-Compliance with 37 CFR 1.192(c), dated July 16, 2009, (hereinafter "Second Notification", filed presumably using an older form) was issued by the Examiner requesting inclusion of a specific mapping of the "converting means" for extracting files to a searchable text format for claim 82.

Applicants' representative held several phone conversations with the Examiner, the week of August 13, 2009, to discuss the current issue with independent means-plus-function claim 82. Applicants indicated that they would cancel all of the means-plus-function claims, thereby mooting the Examiner's issues. **An Amendment under 37 CFR 41.33(d) is being filed herewith to request cancelation of claims 81-84.**

Accordingly, in order to present a corrected Appeal Brief consistent with this claim cancelation, **Applicants are also filing herewith an Amended Appeal Brief**, which treats claims 81-84 as canceled and amends appropriate sections. This Amended Appeal Brief includes any changes made to the Summary section in Response to the First Notification where applicable.

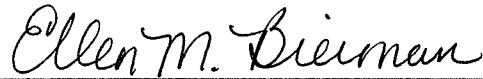In the Second Notification, the Examiner also stated that,

> ...the prior art referred at page 13 "http:/foldoc.org/?meta-data" that neither defined the claims "electronic characteristics" nor the structure of the claims "electronic characteristics that include metadata' as recited in claims: 51-53, 55-78 and 80-97, as such, the un-related prior art filed on Oct 31, 2007 has not overcome the 35 U.S.C. 112 second paragraph rejections on record and has not being entered by the Examiner.

Applicants note that the alleged "prior art" to which the Examiner is referring is <u>within a quotation</u> taken from Applicants' Amendment dated October 31, 2007, <u>already entered by the Examiner</u>. Reference to this dictionary definition was part of Applicants' argument in that Amendment in support of their position that, based upon the descriptions in the Specification, an understanding of the term "metadata" is readily available to those skilled in the art. In addition, Applicants did not submit this alleged "prior art" as evidence with the Appeal Brief. Thus, the Examiner's comment is 1) misplaced and 2) does not require any "correction" for compliance.

Conclusion

Applicants respectfully request the Examiner to approve the Amended Appeal Brief and the Amendment under 37 CFR 41.33 filed herewith.   Should any issues remain unresolved, Applicants urge the Examiner to contact Applicants' representative, at (206) 381-3300.

Respectfully submitted,
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